



THE COMMONWEALTH OF MASSACHUSETTS  
WATER RESOURCES COMMISSION

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**Meeting Minutes for February 14, 2002**

**Members in Attendance:**

Mark P. Smith	Designee, EOEa
Marilyn Contreas	Designee, DHCD
Richard Thibedeau	Designee, DEM
Cynthia Giles	Designee, DEP
Gerard Kennedy	Designee, DFA
Mark Tisa	Designee, DFWELE
Richard Butler	Public Member
Gary Clayton	Public Member
David Rich	Public Member

**Others in Attendance:**

Mike Gildesgame	DEM
Linda Marler	DEM
Michele Drury	DEM
Lorraine Downey	MWRA
Vicki Gartland	DEM
Jackie Murphy	EOEA
Ron Sharpin	MDC
Warren Archey	DEM
Margaret Van Dusen	CRWA
Dee Forhan	Mass Ground Water Assoc.
David Haynes	Mass Ground Water Assoc.
Joe Dilk	Mass Ground Water Assoc.
Kathy Rich	Public
Tom Leahy	Leahy Landscaping
James Tully	Edgewater Irrigation Inc.
Darren Goodwin	Goody's Landscape Corp.
Angelo Ciano	Avellino W & P
Roger Skillings	Mass Ground Water Assoc.
Richard Hatten	Mass Ground Water Assoc.
Paul Lenz	DEM/OWR
Margaret Kearns	Riverways
Sarah McConnell	SEA Consultants
James Miller	Town of Stoughton
Jonathan Yeo	MWRA
Steve Garabedian	USGS

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**Agenda Item #1: Executive Director's Report**

- Smith noted that Commissioner Healy has appointed Gerard Kennedy as the designee for the Department of Food and Agriculture. This will take effect next month.
- The Environmental Bond Bill has moved out of the House and is in Ways and Means. Many of our programs have been fully funded, but other programs have taken cuts. A section of the bill forbids hiring new employees with Bond Bill money. We hope that this will be passed by April.
- The Buzzards Bay watershed team and coalition has just put out a video on water resources issues. This was a professional video which makes the issues understandable to the lay-person.
- The Drought Management Task Force met on Tuesday. Three parts of state, the Connecticut River Valley, Central Region and Northeast, were raised to drought watch status. Across the state there is an eight inch precipitation deficit. The three drought watch areas have a deficit of about 9-10 inches. Many small systems in the Northeast are facing problems. Recharge needs to have occurred by April 1<sup>st</sup>, so we have about six weeks to get some substantial precipitation. The MWRA just dropped into the below normal range, but they still seem to have a few years of supply available. The Task Force will be meeting more frequently now.

Marler and Gartland provided an update on the hydrologic conditions:

- In January, we had a lot of rainy days, but not that much rain fell. We are down about an inch statewide, but there is a lot of variability from region to region. The Cape and Islands are above normal, but all other regions are below normal. The Northeast and Southeast coastal regions did pretty well in January, they are less than an inch below normal, but the Western, Connecticut River and Central regions have deficits of almost two inches. Over the past two months, the Cape has been okay, but other regions are one to two inches below normal. The Connecticut River Valley is almost three inches below normal. The three month and six month totals are starting to accrue deficits. In the Central region, the deficits are ten inches below normal (this goes back to August); there is a nine inch deficit in the Connecticut River Valley; the deficit is six to seven inches in other regions. The twelve month numbers still look good except for the central region, where there is a deficit of almost ten inches. The twelve month numbers include some wet months (February and June). The second half of the year was dry, but the first half was pretty wet. In terms of percent of normal, the Cape and Islands were 113% of normal; the Southeast and Northeast were 85% and 90 % of normal, but the Western, Connecticut River Valley and Central regions are doing poorly. The Drought Management Plan three to six month triggers have been met all over the state. Staff are tracking how the trends are responding.
- Streamflow was mostly below normal conditions; ground water levels are similar, but not quite as bad in the coastal regions. Streamflow over time: from January to February, things were on the increase last year; since July of 1999, things have gradually been increasing upward.
- Reservoir percentage full: historically, most have been above 70%. Since August, many have been declining - a few are in the 40-59% range. Taunton's reservoir has made a recovery. The Quabbin just went into the below normal stage, but it is still above MWRA's drought levels. Other communities with reservoirs are entering drought stages. Worcester, Lynn, Beverly have triggered drought levels in their systems. Beverly went

from 70% full to about 40% between November and December. This may have been caused by their sale of water to Danvers.

- The Palmer Drought index puts in a moderate drought for the eastern two-thirds of the state.
- The Crop Moisture Index doesn't mean a lot this time of year, but it shows us back to normal
- The Drought Monitor, a weekly map put out, has levels that start with "abnormally dry", then jump right into moderate drought. It shows a moderate drought for most of state, but severe drought for the central region.
- The fire danger class has become a real concern. We are now in the high fire danger class. This is very unusual for this time of the year and could lead to an early outbreak of forest fires, an earlier fire season than normally experienced and a more severe threat.
- There is no snow pack in Massachusetts to speak of. This condition prevails up to the White Mountains in New Hampshire. This will also increase the fire danger.
- The Task Force's advisory is based on the Drought Management Plan. The issue on the Cape and Islands is ground water levels, which never seemed to recover from 1999 conditions. In the northeast, precipitation, streamflow and reservoir levels tripped the drought triggers. In the Central region, precipitation and reservoir levels amounts are in the warning level, most other indices are only in the watch levels. The Connecticut River Valley has the same conditions. The Southeast region does not seem to be as hard hit as other regions. They received more precipitation than other regions. Reservoir levels are stable and streamflow is okay. Streamflow, precipitation and reservoir levels put western Massachusetts in the watch level.
- The big concern is that we won't get enough rainfall to fill the reservoirs. If we don't get enough rainfall in the next 6-8 weeks, we will have a problem.
- The watch level response: we will intensify monitoring and meet more frequently. DEP is going to do more assistance with communities, focusing on interconnections, backup supplies and how to get an emergency declared. DEP will also assist with making sure communities have by-laws in place. DEP has sent out a letter to public water suppliers advising them of conditions and offering assistance. They got about 25 phone calls in response. We are looking to DFA and DFW to assess agriculture and habitat impacts. The Drought Management Task Force, as a whole, will provide more public information on conservation. We are putting together fact sheets with the help of the MWRA on what local citizens can do. We are also developing a fact sheet for public water suppliers and a media communications strategy. We are updating the Department of Public Health, Department of Public Safety and the Secretary of EOEA on the issues. We will also meet with other states to find out what's working and what's not.

Tisa asked that we put this in historical context. Marler stated that we are only a few months into this. It is only a six month situation. We are nowhere near the conditions of the 1980-81 drought, not to mention the 1960's drought. Our water supplies have more demands on them, so it seems worse. The drought watch is intended to prevent impacts from getting worse.

**Agenda Item #2: Vote to Accept Stoughton's Application under the Interbasin Transfer Act for Admission to the MWRA Water Works System as Complete**

Drury gave an overview of the project. Staff received the application as part of town's Draft Environmental Impact Report. Additional information was requested through the MEPA process. Most of the requested information was furnished through the FEIR. The Secretary's Certificate was issued on December 14, 2001. The outstanding information was received in January. This application was received prior to the expiration of the 2-year grace transition period for the Interbasin Transfer Performance Standards, so if the application substantially meets criteria of the Act and regulations, the Commission can condition the approval if there are a few deficiencies, as long as the town is working on correcting them.

Stoughton is proposing to purchase water to supplement its existing water supply sources. After reviewing the application, Staff determined that there is adequate information for them to conduct the technical analysis. Staff recommended that the WRC find the application to be complete. In doing so there is no judgment on the merits of the project. It just allows staff to go forward with the review and hold public hearings.

Butler asked about the time schedule. Miller said they had approval for a State Revolving Fund loan. In order to take advantage of this, construction must be underway by June of this year. Stoughton can't award contracts until this approval is received, so we are requesting that the schedule be expedited as much as possible. Smith said that IBT regulations don't give us the opportunity to really expedite the process, but it seems to work out well. The normal schedule would have the WRC making a decision by June. He has spoken with the SRF program. We don't want to jeopardize the town's chances to get the SRF loan, but we don't want to feel pressured to make a decision outside of the regulations. We should have a staff recommendation on this at the April meeting. This should give us a sense of what the issues are. If there are no major issues, the Commission can move forward. There will be a public hearing on the Staff Recommendation after the April WRC meeting. If no additional issues are raised at this hearing, we could theoretically make a decision in May. Miller stated that the town was not trying to circumvent the process.

<b>V O T E</b>	Clayton moved with a second by Butler to accept the Interbasin Transfer application from town of Stoughton as complete.
	The vote was unanimously in favor.

**Agenda Item #3: Presentation of DEM Forestry Initiatives and Recent USFS Service Grant to UMASS**

Archey stated that DEM's Bureau of Forestry has received a grant from the U.S. Forest Service to help the agency assist municipal water supplies with forested watersheds with watershed management issues. Staff are working with the UMASS "wet center" on a computer model called SEDMOD and with the Springfield water supply system, looking to water quality indices in the watershed as indicators of problems upstream. As part of this, staff will recommend land management solutions. USFS provides the Massachusetts Bureau of Forestry with \$3-4 million/year, and watershed projects are part of this. The Springfield project is funded through

this money. The WRC can apply for grants that are available under this funding (next grant round in July).

Another project forestry staff have been working on involves riparian management on agricultural lands. This is a cooperative project with the Department of Agriculture. The National Association of State Foresters meet and discuss policy issues and develop budget requests. The Association has developed a watershed initiative as part of the Federal Farm Bill. This bill has not yet passed, but when passed, it will fund grants and staff.

Other programs staff work on are state non-point source programs looking at pollution from forestry lands. Forestry Staff have developed an MOU with EPA in conjunction with Section 319 grant program. The watershed extension technical partnership with UMASS is looking at developing a closer relationship with municipal water supplies. Stay in touch.

Smith stated that the WRC hasn't focused on this issue too much. Archey is working with watershed team leaders. We should also let MWWA know about this program.

**Agenda Item #4: Discussion – The Compatibility of Water Resources Commission Policies with Other State Policies**

Smith stated that this discussion updates last month's discussion about the town of Essex, where concerns were raised about housing policies and how our decisions may affect these. In the State's Water Policy Statement, we are charged with making sure that the Commonwealth has enough water for economic and environmental needs. We don't look at the types of projects that come before us under the Interbasin Transfer Act; we are charged to evaluate them against the criteria of the Act and regulations. The real issue in Essex had to do with things beyond the jurisdiction of the Act. Given the extent of our jurisdiction, we weren't able to come up with a strong statement to express our concern that the ITA not be used to control growth. We didn't feel a weak statement would accomplish what we'd like.

Contreas stated that one of the problems DHCD has, is with the land use controls being under local jurisdiction. DHCD doesn't have enforcement authority. Our big concern is that water not become some *de facto* mechanism to stop growth, as opposed to growth management or smart growth. The statements in the Water Policy Statement are about as far as we can go.

Clayton asked if policies in other states were looked at. Smith stated that he'd check with the Community Preservation program to see if it is being done elsewhere. The WRC can let communities know how we feel about this issue, but we really don't have regulatory authority over it. Smith stated that the WRC should not craft a separate policy statement on this issue. It is beyond our purview.

Sharpin stated that NEWWA is starting to study how water is allocated. Some of this may provide information on this subject. Rich added that this will be a joint effort with MWWA. His concern is the issue of linking water and wastewater development to control development. This does not mean we shouldn't try to control development, but we shouldn't do it by restricting public water supply development. We should not be trying to regulate growth through this Commission. Smith stated that even if we wanted to, he didn't think we could.

Clayton asked if water should be used as efficiently as possible, why wouldn't we care about potable water being used to irrigate lawns, as opposed to other needs. We may need legislation, but when we look at questions of transfers, it is not unreasonable to think about how that water is being used. Smith said we do look at types of uses but this is different from making choices for water for different types of users (power plants vs. housing; single family homes vs. affordable, multiple family homes). Clayton stated that if water is a limiting factor and our policy is to encourage affordable housing, we should keep our minds open and see if there may be an opportunity to reconsider this. Smith said that our water assets project will give us a sense on how communities will meet future needs. Butler said cities and towns are working on these issues. We should support them, but not step on their toes.

Drury said that the question to Essex was if a sewer is built, will this fuel uncontrolled growth? They replied that the inter-municipal agreement limited the sewer connections to single family housing. So is single family housing a higher and better use than multifamily housing? What we are saying is we don't have the authority to make that decision, even if we may have strong opinions one way or the other. The 40 b law could theoretically override the inter-municipal agreement, but not the ITA decision. 40 b is the vehicle the legislature has provided for that issue to be resolved.

#### **Agenda Item #5: Discussion of the Public Comments on the Draft Policy Guidance and Lawn and Landscape Water Conservation Measures**

Murphy gave an overview. This was sent out for public comments in the fall. The public comment period closed Jan 18<sup>th</sup>, though comments continue to come in. The goal is to have a staff recommendation at the next meeting and vote in April or May.

This topic generated a lot of interest. Comments were received from about 35 groups on a variety of topics ranging from municipal bylaws to lawn care specifics. The topics that received the most comments were:

- The policy and guide – Comments were generally supportive. Municipalities said that having state guidance is of enormous value. Many said that education and wide dissemination to other groups are critical. Water suppliers specifically emphasized that because demands for each system are different, it would be inappropriate to use the policy and guidance as regulatory tools.
- Drought triggers and monitoring the effectiveness of municipal water conservation - Several groups commented that the document should stress the need to monitor the effectiveness of drought response measures and water use restrictions. The results of monitoring should be used to refine drought management plans. Many groups said the guide should contain information on where local groups can get information on the status of local water resources. We also received several comments stating that the odd/even watering ban is ineffective.
- The development community - Several groups commented that we need to work more closely with the development community with regard to how top soil is removed and how remaining soils are compacted. We also need to work more closely with existing commercial landscapes to better inform managers of irrigation technologies and site design and maintenance practices that will enhance water conservation. Some comments suggested that we develop statewide standards for the depth of topsoil or loam to be left onsite by the developer.

- The use of native or low water use plants - We received many comments that not all native plants are low water use or drought and pest resistant. We should focus on low water use plants rather than native plants.
- Automatic irrigation systems - Many comments stated that these systems are more efficient than hand held hoses and that other states with more severe water problems, which closely regulate water use, allow these systems. Others said that these systems should be actively discouraged because even well designed systems can be inefficient if they are mismanaged. Poor management is more likely to occur with automatic systems. Also, it was stated, the technology to refine these systems to respond to weather conditions is costly. Some communities are considering restricting the lot size that can be served by automatic irrigation systems. We also received comments that it is legal to impose a ban on automatic irrigation systems that would be connected to a municipal water supply and that a ban was easier to impose than any effort to turn the system off later. Comments also gave tips on types of irrigation hardware that should be installed with any irrigation system to enhance water conservation.
- Irrigation certification - Several groups supported a state-wide training and certification program for irrigation installation. Municipalities do not have this capability.
- Private wells – Staff received numerous comments on this topic. Several supported the recommendation that private well users should be required to adhere to the same water use restrictions as consumers on public water supply systems. Some specified that private wells that do not draw water from municipal aquifers should not be restricted because this would lead to political problems for the water supplier. Others commented that, in many cases, private wells do draw from the same aquifer as municipal wells and there is a need for the private well user to understand this connection and an obligation for the public water supplier to educate private well users. Others said that bans and moratoriums result in a proliferation of private wells, shifting responsibility to the Board of Health and creating problems with illegal cross connections and wetland impacts. One group said the state should develop model regulations for private wells used for irrigation and should consider lowering the Water Management Act threshold for wells. We also heard that private wells should be encouraged because they increase the capacity of the municipal water supply system.
- Second meters – Staff received conflicting comments. The majority said that the outdoor water use measured by second meters is nonessential. Water conservation should be encouraged by NOT discounting second meter rates. The difference between the first and second meters should be illustrated so the consumer knows what they are paying for and, even though they are not being charged for sewer on the water measured through the second meter, that the second meter rate reflects a nonessential use.

Hatten stated the Massachusetts Ground Water Association did not hear of this draft policy until January 14<sup>th</sup>, two months after it went out. No members of the Ground Water Association were contacted for input on this and the organization feels slighted. The Association should have been part of this early on, and he felt they could be helpful to this process. They would like to meet to discuss this further. Smith replied that we tried to do broad distribution but apparently we did not fully achieve this goal. The Commission wants to make this document the as good as possible, so the WRC does want to meet with the Association to discuss this further to make sure all issues, concerns, and ideas are included.

Skillings said that some towns are not aware that this document is just a draft and they are already incorporating some of the suggestions. They are using this to restrict growth. Dilk stated that there should have some mention of artesian wells. These wells are different than the usual wells the WRC is used to dealing with.

**Agenda Item #6: Presentation of the Timeline for WRC Work Plan Items**

Smith distributed the timeline. The deliverables are still general, due to ongoing work such as drought management, but it does give an idea of when we will have presentations on certain topics. We will continue to refine this.

Meeting adjourned

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Minutes approved 4/8/04